

remain intact with this legislation. It is not the intent of this legislation to alter OSHA's current enforcement of the BBP standard in these circumstances. Attached to this Joint Statement is a letter from Representatives Ballenger and Owens, the co-sponsors of H.R. 5178, expressing their full support for the views expressed in this statement.

The drafters are aware that some of the newer most effective technologies are more expensive than others and may create higher costs for health care facilities. Because some entities largely dependent on Medicare and/or Medicaid, such as long term care providers, will be required to comply with this legislation, we encourage the Health Care Financing Administration to examine the costs of the new technologies and consider these costs when determining Medicare reimbursement rates. Similarly, we hope that the states will examine these costs and determine whether the costs should be reflected in the Medicaid reimbursement rates.

Section 3 of the bill amends the BBP standard in two additional ways. First, it adds a requirement that in addition to the recordkeeping requirements already found in the BBP standard, employers must record percutaneous injuries from contaminated sharps in a sharps injury log. The legislation sets out the minimum information to be included in such a log, namely the type of device used, an explanation of the incident, and where the injury occurred. Employers are free to include other information should they find it helpful. However, this legislation does require that in recording the information and maintaining the log, the confidentiality of the injured employee is to be protected.

The requirement for a sharps injury log is consistent with current OSHA recordkeeping in two specific ways. First, the sharps injury log requirement does not apply to any employer who is not already required to maintain a log of occupational injuries and illnesses under 29 CFR §1904. Second, employers are not required to maintain the sharps injury logs for a period of time beyond that currently required for the OSHA 200 logs.

The sharps injury log is to be used as a tool for employers so that they may determine their high risk areas for sharps injuries and use it as a means to evaluate particular devices that may or may not be effective in reducing sharps injuries. At a House Subcommittee on Workforce Protections hearing in June, representatives of the American Hospital Association testified that many health care settings, particularly hospitals, already have in place some type of "surveillance system" for tracking needlestick and other sharps injuries. The AHA witness noted that hospitals have found this to be an effective tool to provide necessary information to help reduce such injuries.

The second way in which Section 3 amends the BBP standard is by specifying that employers must solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls. Employers are also to document this in the Exposure Control Plans. The intent of this section is simple—to involve in the selection of engineering controls those workers who are potentially exposed to needlestick injuries.

Section 4 of the legislation explains that the modifications as delineated by Section 3 of the bill can be changed by a future rulemaking by OSHA on the Bloodborne Pathogens Standard.

Finally, Section 5 of the bill directs that the modifications to the BBP standard are to be made without regard to the standard OSHA rulemaking requirements or the requirements of the Administrative Procedures Act. Admittedly, preemption of the OSHA rulemaking procedures is not an action to be undertaken lightly. Indeed, the requirements of this bill are driven by the unique circumstances surrounding this narrow and particular public health issue. Although there is no such thing as binding precedent for Congress, it is not the intent of this legislation, through the process used here, to diminish the carefully constructed requirements and procedures for OSHA rulemaking.

The legislation does prescribe, however, that the changes to the BBP standard are to be made by the Secretary of Labor and published in the Federal Register within six months of enactment and that the changes will take effect 90 days after such publication.

Submitted October 25, 2000.

James M. Jeffords, Edward M. Kennedy,
Michael B. Enzi, Harry Reid.

U.S. DEPARTMENT OF LABOR, AS-
SISTANT SECRETARY FOR OCCUPA-
TIONAL SAFETY AND HEALTH,
Washington, DC, October 13, 2000.

Hon. JIM BUNNING,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR BUNNING: Thank you for your inquiry regarding OSHA's enforcement of the bloodborne pathogens standard and the effect of OSHA's November 1999 Compliance Directive on Enforcement Procedures on Occupational Exposure to Bloodborne Pathogens.

OSHA has long required employers to protect employees from exposure to bloodborne pathogens through the use of engineering controls, which include sharps disposal devices such as sharps destruction devices. To the extent that specific types of engineering controls such as sharps destruction devices can reduce the risk of needlestick injuries, such controls could be appropriate components of an employer's comprehensive exposure control plan. OSHA has allowed, and intends to continue to allow, employers to use sharps destruction devices to help reduce the risk of needlestick injuries in appropriate circumstances, as set forth in OSHA's November 1999 Compliance Directive.

It is my understanding that S. 3067, like the House companion bill, is entirely compatible with and closely tracks the language of OSHA's November 1999 Compliance Directive and will not change in any way OSHA's treatment of needle destruction devices or OSHA's enforcement of the bloodborne pathogens standard's obligation that employers use engineering controls.

I hope that this letter is responsive to your inquiry. Thank you for your interest in occupational safety and health.

Sincerely,

CHARLES N. JEFFRESS,
Assistant Secretary.

COMMITTEE ON EDUCATION AND THE
WORKFORCE, U.S. HOUSE OF REP-
RESENTATIVES,
Washington, DC, October 25, 2000.

Hon. JIM M. JEFFORDS,
*U.S. Senate,
Washington, DC.*

DEAR CHAIRMAN JEFFORDS: Thank you for your sponsorship of The Needlestick Safety and Prevention Act and for your work on

this important legislation. We appreciate your sharing with us the Senate Joint Statement of Legislative Intent and want to express our full support for the views expressed in the Senate statement. We want to reiterate that it is not the intent of this legislation to alter OSHA's current enforcement of the Bloodborne Pathogens Standard.

Sincerely,

CASS BALLENGER,
*Chairman, Sub-
committee on Work-
force Protections.*
MAJOR R. OWENS,
*Ranking Member, Sub-
committee on Work-
force Protections.*

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5178) was read the third time and passed.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I ask unanimous consent that following my remarks and those of Senator REID, Senator HOLLINGS be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL REFLECTIONS OF THE HON. RICHARD H. BRYAN

Mr. BRYAN. Mr. President, within the next few days, I will cast my last vote as a U.S. Senator, and by the end of this year, I will conclude 36 years of public experience.

Permit me to reflect for a moment on this experience and share with you some observations.

The last decade of the 20th century has witnessed more change than any decade in human history. When I began my Senate service in January of 1989, the world was a very different place than it is today. The Soviet Union and the United States faced off in a cold war, a cold war that dominated global politics from the end of World War II. The ancient capitals of Eastern Europe were satellite appendages of the Soviet Union. There were two Germanys and a wall divided Berlin. The economic pundits were telling us that the Japanese economic model represented the wave of the future, and it was feared that America was in decline.

All of that has changed. The Soviet Union has imploded. It no longer exists. Eastern Europe is no longer a series of satellite states of the Soviet Union, but nascent democracies are developing in most of eastern Europe. The Berlin Wall has come down. Germany is reunited. And once again, Berlin is the capital of that country. The

Japanese economy for the past decade has remained largely stagnant. And here at home, America enjoys the longest economic expansion in the Nation's history.

The way in which we live our day-to-day lives has experienced dramatic change as well, from the omnipresent cellular telephone to the advent of the Internet and the world of e-commerce.

What about the Senate, this place where we spend our working hours. It has seen much change as well: The great debate that proceeded a resolution of support for operation Desert Storm was in the finest traditions of Webster and Calhoun—many have said that this was our finest bipartisan hour—the unpleasant duty of sitting in judgment of a fellow colleague and ultimately rendering the appropriate judgment; and the awesome responsibility of determining the fate of an American President, only the second Congress in our Nation's history to be so charged.

There have been moments of inspiration as well. None of us will ever forget listening in those joint sessions of Congress to Lech Walesa, Vaclav Havel share with us their struggle to achieve democracies in their own countries. The democratic spirit may be suppressed but never extinguished.

In the history of the Senate, there have been 1,581 men and women who have served, only 23 of them from Nevada. It has been a great honor and privilege for me to be one of those and to represent the State of Nevada. How effectively I have discharged that responsibility awaits the verdict of history.

As a youngster, I dreamed of serving as Governor of my own State. It was my life goal. Serving in the Senate of the United States is like adding a little frosting to that cake.

I have thought often of my parents during these past 12 years. My father, like so many Nevadans of his generation, came from a poor family. His dream was to become a lawyer. But America was gripped in a great depression. This city and the patronage of Nevada's Congressman James Scrugham made it possible for him to achieve his goal. While attending law school in the Nation's Capital, he met my mother, a native Virginian. The following year, I was born in this city. So in a sense, I have been here before.

I spoke about change a moment ago. The Senate today is a very different institution than it was a decade ago; I fear in many respects a diminished institution. Those of us who seek election to the Senate today frequently denigrate it and seek public favor by demeaning it. This has taken a toll on the public esteem in which we are all held. A media that is appropriately critical of our shortcomings is not always able to find its voice in telling the American public of its successes.

We are more partisan, more polarized than we were a decade ago. And for some, compromise has become a nasty word, forgetting our own heritage, because the Senate itself is a product of the great compromise of our Constitution—a Senate with equal representation for each State, and a House of Representatives based on population.

The role of money: Yes, it is fair to say that it has always been a factor in American politics, but today it has become too much of a dominant force. It consumes more of our time. It drives our schedule. It is a corrosive force that threatens to undermine public confidence in our institutions of government.

I believe there is a direct correlation between the decline of citizen participation in government and voting, to the public perception that politics is all about money. Most Americans feel they are excluded from this process.

Perhaps less visible to the public, the rules which have served this institution so well for decades and which govern the way in which we process legislation have broken down.

There is much that I will miss: My colleagues, who represent a broad spectrum of political views, who bring their varied experience to the Senate, dedicated men and women who labor mightily on behalf of the constituents they represent, most especially my senior colleague with whom I have worked in this body, as well as the State legislature, and on issues affecting the State of Nevada for the last 37 years.

My personal staff, both here in Washington and at home—I have simply loved our working relationship. It has been a joy for me to come to work each morning. I have appreciated their hard work, the long hours, the personal sacrifice. Nevadans have been well served by their dedication. Without their support, any success I might have had would not have been possible.

The people who make our hectic lives a little more manageable—the elevator operators, the Capitol Police, the food servers, those who staff the Cloakrooms, our floor staff and many, many others.

This building in which we work, so rich with the history of our country—there has not been a single day in the past 12 years that I have not felt a sense of awe when coming to work.

And this city, with its magnificent cathedrals of governance that serve as the guardians of the American dream—I will miss that as well.

My wife joins me this morning in the gallery of this great Chamber. Nothing I have been able to do, nothing I have been able to achieve, would have been possible without her support, her personal sacrifice, and those of our three children, Richard, Leslie, and Blair, who have all been a part of my life and a part of public service in my life.

Whatever I have become, whatever I am, is largely because of their support of my efforts to pursue my own dreams and goals.

I leave the Senate with a great sense of respect for this institution, which has been so much a part of my life for the past 12 years. It is troubled in many ways, as I have said. However, none of those problems is insurmountable. If we can resist the temptation to seek momentary partisan advantage, if we can restore civility in our public discourse as we debate the great issues and policy differences of our time, if we can apply the rules that govern the process by which we conduct the Senate's business fairly to all, and if we can work together for the common good, I am confident that the future of the Senate can be as bright as the past.

Mr. President, I yield the floor for the last time.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, is recognized.

TRIBUTE TO SENATOR RICHARD BRYAN

Mr. REID. Mr. President, before my friend leaves the floor, I want to say a couple things to him and have on the record of the Senate for the remainder of time of this Republic the fact that the State of Nevada has had 23 Senators, and never in the history of the State of Nevada on any level of government have there been two elected officials who have worked more closely together than Senators BRYAN and REID.

We took the bar together in 1963. He then began service for a short period of time as a private attorney. Then he became a prosecuting attorney and then Nevada's first public defender. We went to the State legislature together in 1967 where we were known as the "gold dust twins." We were the only two freshmen in that 60-body legislature. That was the beginning of our love for the legislative process.

Senator BRYAN went on to serve, after the Nevada Assembly, in the State senate, then to serve as attorney general of the State of Nevada, as Governor of Nevada, elected twice, and then he came to Washington as a U.S. Senator. No one in the history of the State of Nevada has had such an electric and exciting political career as Senator RICHARD BRYAN. I feel so fortunate that this partnership we have developed over the years is one we both feel good about.

As strong as the partnership is of Senators REID and BRYAN, as he mentioned, the knowledge that we in Nevada have as to the relationship of Richard and Bonnie Bryan is very significant. She literally has been with him every step of the way. She was a wonderful first lady who is still talked about as to her proficiency.

It is with a great deal of sadness that occasions such as this have come since